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Honduras

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Contents

		Paragraphs	*Page*
I.	Methodology and consultation process	1–3	3
II.	Normative and institutional developments since the first review	4–19	3
III.	Progress, achievements, constraints and challenges regarding the promotion and protection of human rights in Honduras, 2010–2014	20–64	7
IV.	Follow-up to the recommendations and/or voluntary commitments made in the first round of the universal periodic review	65	18
V.	National initiatives and commitments	66–67	18
VI.	Expectations of Honduras in terms of technical assistance	68	18
VII.	Overview	69	19

I. Methodology and consultation process

1. The present report was prepared on the basis of consultations and information meetings with State bodies and with civil society organizations working in the field of human rights. The United Nations Development Programme (UNDP) office in Honduras provided technical assistance and funding for its preparation. This second report represents a significant effort on the part of the Government of Honduras as it strives to fulfil the country's international obligations. The fact that a significant number of non-governmental organizations contributed to the preparation of this report attests to the State's desire to encourage the active participation of such bodies.

2. As part of the work that went into preparing the report, seven seminars were held in September, October and November 2014 (six in Tegucigalpa and one in San Pedro Sula). A large number of State agencies and civil society organizations working in the field of human rights were convoked, and a working group was then set up by the Minister of Human Rights, Justice, Governance and Decentralization. Although the report itself was prepared between September 2014 and January 2015, Honduras had previously submitted a voluntary interim report in 2013 as part of its follow-up to the universal periodic review. The wide- ranging consultations carried out on the Public Policy and National Action Plan on Human Rights for 2011–2013, an instrument that was heavily influenced by the recommendations made during the universal periodic review, also informed the preparation process.

3. The report covers the period between the final quarter of 2010 and the first quarter of 2015, which spans a significant portion of President Porfirio Lobo's time in office (2010–2014) and the first year of President Juan Orlando Hernández's mandate (2014–2018). Its main focus is on State efforts to promote and protect human rights, although, as noted earlier, civil society organizations also play a valuable role in that regard.

II. Normative and institutional developments since the first review

A. Political context

4. In 2010, Honduras submitted its first report for the universal periodic review to the Human Rights Council, which made a series of recommendations. The present report reflects the steps taken by the Government of Honduras to implement those recommendations. The report is being submitted at a time when the country is undergoing a major political renewal marked by the appearance of new political forces representing a broad portion of the ideological spectrum. During this period the country has been an active participant in international forums, has expanded its diplomatic relations to include a larger number of countries and has been experiencing a moderate pace of economic growth. It has also been a period during which sustained efforts have been made to enable Honduran citizens to exercise their rights and freedoms more fully.

5. It should first be noted that the overwhelming majority of national and international observers agreed that the presidential, congressional and mayoral elections of 24 November 2013 went smoothly and that voter turnout was high. Moreover, in most cases, ballots were counted and voting records reported properly, and the three main political parties were represented at almost all of the polling stations. During the campaign, parties and candidates had the opportunity to exercise freedom of expression, association and movement when putting forward their proposals and reaching out to voters in public places

and through electronic and online media. The Supreme Electoral Court ensured that all political bodies were aware of and took part in major decisions and preparations related to the electoral process.[1] (Recommendations 82.60, 82.100).

B. Normative and institutional framework

6. **Bringing national legislation into line with international human rights standards** (Recommendation 82.3). The Criminal Code has been amended and now defines enforced disappearance as a specific offence. This amendment (adopted in April 2012) introduced article 333-A, which deals with offences committed by public officials in violation of constitutional rights.[2] That legislation was introduced in order to bring Honduran law into line with the commitments made by Honduras upon its adoption of the Inter-American Convention on Forced Disappearance of Persons (ratified by Honduras on 28 April 2005). (Recommendation 82.28).

7. The definition of the offence of torture has also been harmonized with international standards by means of an amendment of article 209-A of the Criminal Code that was passed by Congress in March 2011 (Recommendations 81.1, 82.25 and 82.27; and voluntary commitment (c)).[3] In February 2013, the definitions of the offences of discrimination and incitement to hatred were brought into line with international standards through the incorporation of the offences of discrimination on the basis of sexual orientation, gender identity and membership in an indigenous minority or an Afro-descendent community into article 321 of the Criminal Code. Incitement to hatred was made a criminal offence through the insertion of article 321-A on incitement to hatred, discrimination or persecution based on the basis of the criteria set out in article 321.[4] (Recommendations 81.1, 82.18, 82.21, 83.4, 83.7 and 83.8).

8. **National human rights institution.** On 25 March 2014, Congress elected Doctor Roberto Herrera Cáceres as the new National Commissioner for Human Rights.[5] In July 2014, the Office of the National Commissioner for Human Rights submitted its plan for the period 2014–2020, entitled *Vanguardia de la Dignidad Humana* (At the Forefront of Human Dignity), and, at its request, has been receiving assistance from the representative of the United Nations system in Honduras in ensuring that its implementation of the plan is in line with the Paris Principles, the main international standard relating to the independent and effective functioning of national human rights institutions.[6] (Recommendations 82.5, 82.6 and 82.7).

9. **Creation of a human rights portfolio in the Cabinet.** In September 2010, for the first time in the history of Honduras, a specific ministerial portfolio for human rights was established.[7] Under the Administration of President Lobo, the newly established Ministry of Justice and Human Rights assumed responsibility for facilitating the Government's dialogue with the international human rights community. The Ministry was also tasked with developing or acting as an advocate for initiatives for bringing national legislation into line with human rights standards, designing the Public Policy and National Action Plan on Human Rights, as well as holding consultations regarding its contents and securing its adoption, holding human rights awareness-raising and training activities for public officials, and monitoring compliance with the recommendations of the Truth and Reconciliation Commission. In December 2013, as part of an effort to balance the budget by using available resources more efficiently while maintaining, insofar as possible, existing levels of public service, the President-elect asked Congress to approve a package of measures that involved merging some ministerial portfolios. Consequently, in January 2014, the Ministry of Justice and Human Rights and the Ministry of the Interior and Population were merged to form the Ministry of Human Rights, Justice, Governance and Decentralization.[8] This consolidation has encouraged cooperation regarding departmental and municipal issues that

had traditionally been dealt with by the ministers holding the internal affairs and governance portfolios. (Recommendation 82.67).

10. **Truth and Reconciliation Commission.** In its report of 7 July 2011, the Truth and Reconciliation Commission set out 84 recommendations which were based on consultations with more than 2,100 leaders in 26 urban centres spread across the country's 18 departments. The office responsible for the follow-up to the recommendations of the Truth and Reconciliation Commission[9] supported and monitored the implementation of the measures in question. By December 2013, 69 of those recommendations had been or were being implemented. The annexes to the present document contain the second report submitted by that office. (Recommendations 82.6 and 82.82).

11. **The human rights policy and plan.** The Public Policy and National Action Plan on Human Rights for 2013–2022[10] represents the continuation of actions taken in fulfilment of commitments made by Honduras at the World Conference on Human Rights, held in Vienna in 1993. The aim of the policy and action plan is to mainstream a human rights perspective into all State actions. This initiative is the outcome of wide-ranging consultations at the national, regional and local levels with civil society, trade unions, churches, media outlets, academia, State bodies at all levels and international cooperation agencies. The annexes attached hereto include a copy of the policy and a preliminary report on the implementation of the policy and action plan as at December 2014. (Recommendations 82.12, 82.18 and 82.11 and voluntary commitment (a)).

C. Fulfilment of commitments and dialogue with international human rights organizations

Relations with the universal system for the protection of human rights

12. **Submission of reports to treaty bodies.** During the reporting period, Honduras submitted the following reports: (i) its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (15 November 2012); (ii) a report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (15 November 2012); (iii) a report to the Committee on the Elimination of Racial Discrimination (28 December 2012); (iv) its combined fourth and fifth reports under the Convention on the Rights of the Child (9 September 2013); (v) its initial report on the rights of persons with disabilities (31 December 2013); and (vi) its second report to the Committee on Economic, Social and Cultural Rights (5 May 2014). The preparation of these reports represent not only an effort on the part of the Government of Honduras to bring its fulfilment of its commitments to the treaty bodies up to date, but also an integral part of its effort to inform and consult with national stakeholders. (Recommendation 82.40).

13. **Visits by special rapporteurs and working groups.** During the reporting period, five thematic mechanisms accepted the invitations extended by the Government of Honduras to visit the country (one of the mechanisms visited twice): (i) the Special Rapporteur on the situation of human rights defenders (February 2012); (ii) the Special Rapporteur on the sale of children, child prostitution and child pornography (August–September 2012 and April 2014); (iii) the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (August 2012); (iv) the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (February 2013); (v) the Special Rapporteur on violence against women, its causes and consequences (June–July 2014); and (vi) the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (April–May 2012). The recommendations contained in

the reports drawn up in the light of those visits were taken into account when formulating and updating the Public Policy and National Action Plan on Human Rights. (Recommendations 82.19, 82.25 and 82.40).

14. **Relations with the Inter-American system for the protection of human rights.** The State party's relations with the two main bodies of the inter-American system are marked by close cooperation and mutual respect. Five visits were made by special rapporteurs and representatives of the Inter-American Commission on Human Rights (IACHR) during the reporting period: (i) an IACHR delegation was sent to follow up on the onsite visit carried out in 2009 (May 2010, May 2013 and December 2014); (ii) the Rapporteur on the Rights of Persons Deprived of Liberty (April 2012 and August 2013); and (iii) the Rapporteur on the Rights of the Child (October 2013). The recommendations contained in the reports on these visits were taken into account when formulating and updating the Public Policy and National Action Plan on Human Rights.

15. **Cases before the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.** Between 2010 and 2014, the Office of the Counsel-General of the Republic dealt with a number of cases which have reached different stages in the course of their consideration by IACHR. The following cases are currently before the Inter-American Court of Human Rights: (i) *Garifuna Community of Triunfo de la Cruz*; (ii) *Garifuna Community of Punta Piedra*; and (iii) *López Lone et al.* (decisions are pending regarding the first two cases and a public hearing regarding the third case is to take place in February 2015).

16. Compliance with judgements of the Inter-American Court of Human Rights. (i) On 27 April 2012, a judgement was issued on the merits and on reparations and costs in the *Rafael Pacheco Teruel et al.* case relating to a fire at the San Pedro Sula prison in 2004. The State made every effort to identify the families of all the victims and to process the first compensatory payments. The prison system is gradually being reformed as well; (ii) On 10 October 2013, a judgement on the merits and on reparations and costs was issued in the case of *Carlos Luna López*. Although the Court did not attribute any responsibility to agents of the State, it found it necessary to order the adoption of several measures in order to place due weight upon the State's duty to guarantee the right to life of persons within its jurisdiction. On 19 May 2014, the State made a public statement of apology and recognition. It also published the judgement in the official gazette,[11] and a summary of that judgement was published in a major national daily newspaper. In addition, a bill on the protection of human rights defenders, journalists and justice officials [12] is currently undergoing its second reading before Congress.

17. Ratification and deposit of international instruments since the first reporting cycle. During the reporting period, the following instruments of the universal system for the protection of human rights were adopted, ratified and/or deposited (Recommendation 82.1): [13] (i) the Optional Protocol to the Convention on the Rights of Persons with Disabilities, with the corresponding instrument of ratification being deposited on 16 August 2010;[14] (ii) the Convention on Cluster Munitions, ratified by Congress in August 2011;[15] (iii) the Convention relating to the Status of Stateless Persons, ratified by Congress in June 2012;[16] the Convention on the Reduction of Statelessness, ratified by Congress in July 2012;[17] and (vi) the Convention against Discrimination in Education, ratified by Congress in March 2013.[18] (Recommendation 83.4). In February 2013, Congress withdrew the State party's reservations to articles 24, 26 and 31 of the Convention relating to the Status of Refugees.[19]

18. In July 2011, Congress ratified International Labour Organization (ILO) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).[20] As part of its implementation of that Convention, Honduras promulgated the Economic and Social Council Act in January 2014.[21] The Council provides a forum for dialogue among

representatives of the Government, employers and workers and is authorized to issue opinions and make recommendations regarding strategic issues dealt with by the State, such as wage, employment and occupational training policies. On 2 November 2012, Honduras deposited the instrument of ratification for the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), thereby undertaking to adopt certain legal and practical measures and submitting itself to the scrutiny of ILO supervisory bodies. Practical steps regarding compliance have already been taken in the form of the passage of a new law on retirement and pensions for public officials in 2014 and the preparation of a bill that would amend the social security system. (Recommendations 82.1 and 82.101).

19. The following instruments of the Inter-American system for the protection of human rights have also been deposited (Recommendations 82.1 and 82.2): (i) the Protocol to the American Convention on Human Rights to Abolish the Death Penalty; (ii) the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (also known as the Protocol of San Salvador); (iii) the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities; and (iv) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The three instruments of ratification were submitted to the Secretary General of the Organization of American States (OAS) on 10 November 2011.[22]

III. Progress, achievements, constraints and challenges regarding the promotion and protection of human rights in Honduras, 2010–2014

A. Security and justice

20. **The challenge posed by violence and its predominantly transnational causes.** Over the past 12 years, Honduras has witnessed a considerable rise in the murder rate. This trend is closely linked to the increase in organized crime, particularly drug trafficking. It has been calculated that 86 per cent of the cocaine trafficked to the United States of America in the first half of 2013 was brought in through the Mexico-Central America corridor. Furthermore, in 2012 an estimated 75 per cent of all cocaine-smuggling flights departing from South America first landed in Honduras.[23] Adolescents and young adults, women, lawyers, journalists, members of sexual minorities, inhabitants of the Lower Aguán Valley caught up in the ongoing agrarian conflict there and urban public transport drivers who refuse to pay protection money are prime targets of violent assaults. Although it is clear that there is no systematic pattern of involvement of State agents in the commission of such offences, a great deal remains to be done in order to improve the effectiveness of criminal investigations and to fight impunity.

21. **An encouraging reduction in the murder rate over the past three years.** During the reporting period, both the previous and present Administrations made a determined effort to improve the security situation in Honduras. As a result of that work, the murder rate, after peaking in 2011, fell considerably in 2012–2014 for the first time in almost a decade.[24] That general downturn in violent offences will definitely have an impact in the short or perhaps medium term in the form of a decline in violence directed at particularly vulnerable groups. In the following pages, reference will be made to a number of the measures that may well be behind this trend. (Recommendations 82.17 and 82.22).

22. **Strengthening of the public security system.** Between 2010 and 2014, the State took a number of steps to safeguard the right to freedom and security, such as: (i) the adoption of the Illegally Obtained Assets Forfeiture Act in May 2010;[25] (ii) the adoption — with the support of financially sound Honduran enterprises and the more affluent sectors of

the population — of the Public Security Act in June 2011,[26] which introduced special temporary taxes to fund additional security measures;[27] (iii) the amendment of article 102 of the Constitution in January 2012[28] to permit the extradition of Honduran nationals accused by other States of participating in organized criminal activities; (iv) the adoption of the Special Anti-Corruption Police Act in May 2012[29] and the establishment of the Police Force Investigation and Assessment Directorate in November 2011;[30] (v) the adoption of the Reliability Assessment Superintendency Act adopted in December 2013[31] (these pieces of legislation establish a framework for the dismissal of police officers or justice officials who suffer from psychological problems or addictions or who are guilty of corruption and accumulation of wealth by illegal means); and (vi) the adoption in August 2013 of the Military Police Act, which provides for the establishment of a specialized unit to combat organized crime.[32] (Recommendation 82.25 and voluntary commitment (e)).

23. **Investigation of killings targeting particular groups.** The Office of the Special Prosecutor for Offences Against Human Life was established in August 2013 as part of the Public Prosecution Service,[33] along with the High-Impact Investigation Unit (a task force of prosecutors and investigators focusing exclusively on killings of members of the lesbian, gay, bisexual and transgender community, journalists, lawyers, judges, children and young persons). Although a great deal of work had already been carried out in this respect prior to the creation of these two bodies, new cases are being handled more effectively and pre-existing cases are being processed more rapidly by the expert staff of the new units. Consequently, by October 2014, a total of 42 homicide cases in which the victims were members of sexual minorities had been brought to trial; verdicts had been handed down in 16 of those cases, for a total of 10 convictions. In addition, 12 cases involving journalists or communicators had been brought to trial; 7 judgements (including 4 convictions) have been handed down in these cases, while another 3 are currently being heard by the courts. In addition, arrest warrants for suspects have been issued in 2 cases. Meanwhile, 11 of the 63 cases involving lawyers have been brought to trial, and judgements have been handed down in 4. (Recommendations 81.2, 82.18, 82.19, 82.24, 82.33, 82.34, 82.35, 82.36, 82.37, 82.76, 82.77. 82.78, 82.79, 82.80, 82.95 and 82.96).

24. **Strengthening of the criminal investigation system.** In January 2014, Congress set up the Technical Criminal Investigation Agency, which is attached to the Public Prosecution Service. The Agency is responsible for investigating serious offences which have a strong impact on society.[34] This unit will enable prosecutors to direct investigations more effectively and submit scientific evidence to the courts, particularly in cases involving killings and organized crime, thereby providing safeguards for the rights to due process and effective judicial protection. When selecting candidates to fill senior posts within the Agency and the first group of nearly 100 agents, the authorities took into account not only the know-how and skills of the applicants but also their moral stature. The first batch of recruits completed the initial training phase and began working in the two largest cities in the country in January 2015. (Recommendations 82.37, 82.57, 82.63, 82.65, 82.76, 82.77, 82.78, 82.79, 82.80, 82.95, 82.96 and 83.10).

25. **Measures to reduce violence against women.** Since 2011, 549 cases involving killings of women have been brought to trial, with the Public Prosecution Service obtaining 203 convictions. The executive branch of the Government of Honduras, with the support of other official bodies and civil society organizations, worked to win support for the proposal to amend the Criminal Code and, in February 2013, Congress amended the chapter of the Criminal Code on homicide to incorporate the offence of femicide, which is punishable by from 30 to 40 years' imprisonment.[35] That offence has been on the statute books since 27 April 2013 and is applicable in the case of men who have carried out killings motivated by hatred and disdain for women. (Recommendations 81.1, 82.3, 82.9, 82.18, 82.37, 82.38, 82.39, 82.40, 82.41, 82.42, 82.43, 82.44, 82.45 and 82.46).

26. The National Institute of Women has prepared protocols on service delivery and procedures for shelters and women's centres. These protocols represent systematized compilations of best practices for these protective services. There are currently four shelters for women victims of violence and two centres that provide comprehensive services for women in Honduras. These facilities receive support from the municipal authorities, private donors and other bodies working in the field. (Recommendations 81.1, 81.2, 82.3, 82.8, 82.9, 82.11, 82.18 and 82.21).

27. **Policy to reduce violence against children and young persons.** In an effort to develop a consistent, comprehensive and sustained approach to this issue, the executive branch approved the National Policy on the Prevention of Violence against Children and Young Persons in Honduras in February 2013.[36] That policy was formulated in consultation with State bodies and relevant civil society organizations and is in line with the National Vision and Plan Act.[37] Its objective is to addresses the causes of the vulnerability and victimization of children, adolescents and young persons. The Directorate for Youth of the Ministry of Development and Social Inclusion is currently working to implement this policy on the basis of an action plan that reflects the principles, general lines of action and indicators previously set out in the policy itself. (Recommendations 81.1, 81.2, 82.3, 82.17, 82.18, 82.21, 82.38, 82.40, 82.43, 82.44, 82.45 and 82.46).

28. **Action to curtail the conflict in the Lower Aguán River Valley.** The conflict between campesinos and large-scale exporters of African palm oil in the Lower Aguán River Valley in the Department of Colón is the most serious agrarian issue Honduras has faced in over 35 years.[38] In addition to adopting the social measures referred to in the section on agrarian reform, in September 2011 the executive branch set up the Xaturch II Joint Task Force,[39] which is responsible for carrying out patrols and manning checkpoints in the conflict zone, confiscating weapons in accordance with Legislative Decree No. 117-2012,[40] arresting people for whom warrants have been issued; disbanding criminal groups and carrying out evictions ordered by judicial authorities. The Task Force is made up of members of the armed forces and the national police. Thanks to the emphasis placed by lead members of the Task Force on fostering dialogue between campesino organizations and the large-scale exporters, very few land takeovers occurred in 2014.

29. **Protection of persons at risk.** During the period 2010–2014, the Government made a determined effort to provide protection for hundreds of persons and groups for which precautionary measures were requested by IACHR. A smaller number of provisional measures ordered by the Inter-American Court of Human Rights were also implemented. Most of these cases had initially been raised in 2009. For the most part, the approach taken to the implementation of these protection measures were decided on in consultation with the persons concerned. As part of this effort, two public meetings were held with the beneficiaries of these measures, credentials attesting to the bearers' status as beneficiaries of protection measures were issued and, in February 2010, the Ministry of Security set up the Human Rights Unit, which has been tasked with their implementation.[41] (Recommendations 81.2, 82.18, 82.19, 82.30, 82.31, 82.32, 82.33 and 82.58).

30. **Bill on the protection of human rights defenders.** A bill on the protection of human rights defenders, journalists, social communicators and justice officials is currently undergoing its final reading in Congress. Nationwide consultations on the contents of the bill have been carried out with civil society organizations and other groups. In addition to responding to a very real need and providing a means of implementing a series of recommendations formulated at the time of the first cycle of the universal periodic review, the bill is designed to incorporate a number of resolutions and recommendations of United Nations bodies into Honduran law.[42] The bill provides for the establishment of a national protection council which is to include representatives of the stakeholder groups. A list of preventive, protective and emergency measures is also to be drawn up. The scope of these

measures will be tailored to the type of risk which is found to exist in each individual case. The bill also provides for the establishment of a special mechanism under the supervision of the Ministry of Security to implement the measures. This new mechanism will have to be adequately funded in order for it to be credible in the eyes of the beneficiaries. (Recommendations 81.1, 81.2, 82.18, 82.19, 82.29, 82.30, 82.31, 82.32, 82.33, 82.99, 83.9, 82.93 and 82.96).

31. **Human rights training for military personnel and police officers.** Between 2010 and 2014, the Human Rights and International Humanitarian Law Directorate of the Armed Forces held more than 30 courses and seminars on human rights, international humanitarian law and the prevention of torture, trafficking in persons, and domestic and family violence. Over 17,000 persons took part in these events, including new army recruits, military police, students from the various military academies, officials undergoing training as part of the promotion process and auxiliary personnel from various units. The police force has been incorporating human rights training into its system of instruction since the late 1990s. An assessment of the human rights component of the police training system was carried out, and a proposal for modifying its contents and methodology has been drawn up. That proposal is currently being reviewed. (Recommendations 82.14, 82.15, 82.16, 82.21, 82.27, 82.38, 82.39, 82.41, 82.42, 82.43, 82.44, 82.45, 82.46, 82.49 and 82.68).

32. **Measures to combat trafficking in persons.** In April 2012, Congress passed the Anti-Trafficking in Persons Act.[43] This law is based on a series of international instruments that have been adopted by the State of Honduras and constitutes a comprehensive regulatory framework for efforts to address the issue. It also provides the legal foundation for the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons, which is a decentralized body made up of representatives of the three branches of government, the Public Prosecution Service, the Office of the National Commissioner for Human Rights, the National Directorate for Children, Adolescents and Families, the National Institute of Women and an association of municipalities and civil society organizations working in the field.

33. The Inter-Agency Commission lobbies and campaigns for legal reforms, draws up technical regulations and protocols, and conducts training activities. It also provides support for the development of specialized units in the police force and the public prosecution service focusing on the prevention of commercial sexual exploitation and trafficking in persons and the prosecution of cases involving those offences. In addition, it prepares geo-social maps of trafficking routes; promotes the establishment of telephone hotlines for reporting human trafficking; carries out awareness-raising and information campaigns regarding commercial sexual exploitation and trafficking in persons; and implements projects under the auspices of international organizations and friendly countries.[44] (Recommendations 81.1, 82.3, 82.18, 82.21, 82.39, 82.45, 82.47, 82.48, 82.49, 82.50, 82.51, 82.52 and 82.69 and voluntary commitment (d)).

34. **Challenges relating to the prison system and measures for overcoming them.** In May 2012, the new National Prison System Act[45] was adopted as a preliminary step in the transition involved in the establishment of the National Prisons Institute. The transition process is being headed up by a special commission appointed by President Lobo on 24 January 2013. Under an agreement signed by the Commission and the National Occupational Training Institute, the training needs of persons deprived of their liberty have been analysed and an assessment of existing instructional facilities in each of the country's detention centres has been carried out. Furthermore, significant progress has been made in the construction of three facilities for persons being held in pretrial detention and three new prisons, which will reduce overcrowding, particularly in the Tegucigalpa and San Pedro Sula prisons. In September 2014, 300 recruits began a training course that specifically covers the duties of prison guards and human rights. In February 2013, Congress adopted

the Clemency Act,[46] which updates the regulations on eligibility for presidential pardons, the requirements that must be met and the procedures for processing pardon applications. (Recommendations 81.1 and 82.53).

35. **Prevention of torture.** The National Committee for the Prevention of Torture and Cruel, Inhuman or Degrading Treatment was founded on 17 September 2010 when President Lobo swore in the representatives nominated by the legislative and executive branches of government and civil society. In so doing, and thanks to the work of the Ministry of Human Rights, Justice, Governance and Decentralization, the State of Honduras has fulfilled the commitments it assumed upon signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and, in particular, the Optional Protocol to that Convention, which calls for the establishment of a national preventive mechanism.[47] Since that time, the Committee has consolidated its position as an independent, permanent national body with administrative, technical and budgetary autonomy.[48] Thanks to the monitoring and training activities conducted by the Committee and its performance in processing complaints and issuing recommendations, both the public sector and civil society now view the Committee as the lead agency for issues relating to prisons and the prevention of torture. In 2014 alone, the Committee made over 200 visits (most of them unannounced) to various places of detention, such as jails, police stations, juvenile offender correctional facilities and psychiatric hospitals. The Committee has also provided training for justice officials, police officers, military personnel, staff of non-governmental organizations and persons deprived of their liberty. As part of its training activities, the Committee has introduced a number of innovations, including a recently launched effort to lay the groundwork for the implementation of the Istanbul Protocol in Honduras.[49] (Recommendations 82.25, 82.27 and 82.111).

36. **The judicial branch of government.** The Council of the Judiciary and Judicial Staff was set up by virtue of the amendment of articles 313 and 317 of the Constitution in order to establish the legal basis for the creation of an independent body to provide judicial oversight and in order to separate administrative activities from judicial matters as such.[50] The law under which the Council was established was adopted by Congress in November 2011,[51] and Council members took up their posts in October 2013. The reporting period was marked by a number of other achievements, such as the creation of the Tegucigalpa Centre for the Realization and Protection of Women's Rights Pilot Project, whose objective is to improve the coordination and integration of services for victims of domestic violence and violence within the family; outreach programmes providing the services of judicial assistants and mobile magistrates' courts to extend access to justice to marginal groups and communities in isolated regions; and the launch of a public information office and web portal whose compliance with the applicable legal requirements was recognized by the Public Information Institute in 2013.[52] In addition, a gender affairs unit was set up in the judicial branch in September 2010 and has been tasked with mainstreaming a gender perspective into all administrative and judicial processes of this branch of government. Together with the Judicial Training College, the unit is responsible for raising awareness of the gender perspective among officials and training them how to apply that perspective in their day-to-day activities.[53] (Recommendations 81.1, 82.15, 82.68, 82.54, 82.55, 82.57, 82.59, 82.60, 82.61, 82.62, 82.70 and 82.71).

37. **Comprehensive reform of legislation covering children, families and women in the sphere of justice.** (Recommendations 81.1, 82.3, 82.4, 82.17, 82.18, 82.21, 82.24, 82.39, 82.40, 82.41, 82.42, 82.43, 82.44, 82.45, 82.46, 82.74, 82.75 and 83.6). In February 2013, Congress adopted far-reaching amendments to the Code on Children and Adolescents and the Family Code. These amendments have not only updated those codes, but also provide greater access to justice for children and women.[54] A number of recommendations made by the Committee on the Rights of the Child were taken into account in the formulation of the amendments to the Code on Children and Adolescents in order to

strengthen child protection systems and restructure the juvenile justice system. The amendments to the Family Code are aimed at making adoptions more secure and improving the provisions on marriage and child maintenance payments. Definitions of the offences of sexual harassment and of emotional or physical child abuse were introduced into the Criminal Code. The Code of Criminal Procedure was also amended to make it possible for the public prosecutor to initiate proceedings in cases involving the offence of refusal to maintain an elderly family member. In addition, the Domestic Violence Act was amended to strengthen victims' rights.

38. Pursuant to the abovementioned amendments, in June 2014 the current Administration set up the National Directorate for Children, Adolescents and Families of the Ministry of Development and Social Inclusion to take the place of the now-defunct Honduran Institute for Children and the Family.[55] One of the main priorities for the National Directorate has been the juvenile justice system. Work is being carried out to upgrade the infrastructure of the system's custodial teaching facilities, the equipment in those facilities and the teaching methodologies used. Steps are also being taken to relaunch restorative justice programmes that make use of non-custodial measures.

B. Democracy and participation

39. **Expansion of participatory democracy.** In February 2011, articles 5 and 213 of the Constitution were amended to increase the number of matters on which the Honduran people may be consulted in plebiscites and referendums. The mechanism of popular or citizens' initiatives for the submission of bills to Congress was also established.[56] The provisions governing these measures are set forth in the Act on Public Participation Mechanisms of December 2012.[57] (Recommendations 81.1 and 82.60).

40. **Equal access to elective offices.** In 2012, the Elections and Political Organizations Act was amended to introduce a quota for the participation of female candidates; the quota was initially 40 per cent, for the 2012–2013 elections, and was subsequently raised to 50 per cent for the 2016–2017 primary and general elections.[58] (Recommendations 81.1, 82.3, 82.21 and 82.60).

41. **Establishment of due process safeguards in cases involving the dismissal of senior officials.** In January 2013, in response to recommendations issued by the Truth and Reconciliation Commission, Congress amended the Constitution to introduce the concept of impeachment proceedings.[59] Then, in March 2013, it passed the Specialized Impeachment Act to govern the new process more effectively.[60] (Recommendations 81.1 and 82.82).

42. **Strengthening the rights to freedom of association and access to public service.** In April 2011, Congress adopted the Special Act on the Promotion of Non-governmental Organizations for Development.[61] The Act, which is the first to give effect to the right to freedom of association as defined in article 78 of the Constitution, enhances the legal certainty of non-profit organizations, associations and foundations and defines their rights and obligations. June 2012 saw the entry into force of the Municipal Administration Employment Act, which focuses on the establishment of a civil service system at the local government level.[62] In December 2013, the *Patronato* and Community Associations Act was adopted to govern the activities of neighbourhood and residential associations.[63] The Act gives effect to the right to freedom of association at the departmental, municipal and neighbourhood levels,[64] as provided for in article 302 of the Constitution, and is designed to help foster self-governance. (Recommendation 81.1).

43. **Access to information and the protection of private data.** During the reporting period, the Public Information Institute has been further strengthened. The Institute has succeeded in establishing a network of public information officers that encompasses all

central and local government institutions. The officers receive ongoing training and support in their work and represent the front line for citizens requiring guidance or wishing to submit petitions. Since 2010, the total number of requests received by these officers has been in excess of 2,000 per year.[65] In 2012 alone, they handled 2,836 cases, of which 2,596 (92 per cent) were resolved successfully.[66] If requests for access to public information cannot be granted at this level, the Institute steps in and assists petitioners to file requests for supervisory reviews. The Institute also plays a very active role in disseminating information about the Transparency and Access to Public Information Act and about Organization of American States and United Nations anti-corruption conventions. In addition, it conducts activities designed to raise awareness among public officials, civil society organizations, university students and trainee teachers. Between 2010 and 2014, more than 8,000 people received training each year, with the figure reaching 12,827 in 2013 alone. As to the protection of private data, in January 2013 Congress amended article 182 of the Constitution to include the remedy of *habeas data* as a mechanism for the protection of private data and the rights to honour, privacy and self-image.[67] (Recommendations 81.1, 81.3, 82.91, 82.92 and 82.93).

44. Promotion of freedom of expression and freedom of the press in alternative and community sectors. The last two Administrations have endeavoured to promote alternative forms of expression. As a result of their efforts, there are now 22 community radio stations in the country that are run by non-governmental organizations, churches, universities, community associations and indigenous and Afro-Honduran organizations. The Miskito people alone have been assigned five radio frequencies. There are also two community television channels, one for the Garifuna people and one for the Miskito people. (Recommendation 81.3 and voluntary commitment (b)).

C. Development and equity

1. Economic, social and cultural rights and the fight against poverty

45. **Social policies and programmes.** (Recommendations 81.1, 82.18, 82.102 and 82.103). The main objective of the social protection policy adopted in March 2012[68] is to take a phased, progressive approach to the creation of social conditions conducive to personal and collective well-being. It represents a deliberate extension of efforts begun under earlier Administrations[69] and, as such, is akin to a State policy, inasmuch as it is intended to transcend specific presidential terms. The policy is aligned with national and international human rights standards and has been endowed with a specific legal framework by the Framework Act on Public Social Policies of April 2011,[70] which specifies the principles, bodies, resources and forums for public participation that are to be involved in the formulation and implementation of social policies. This law also provides that the implementation and monitoring of such policies is the designated task of a specific high-level executive body, the Ministry of Social Development, which was established in 2010.

46. Initiatives launched within this policy framework include the "*Bono 10 Mil*" Presidential Programme on Health, Education and Nutrition,[71] which grants cash transfers to households on the condition that shared responsibilities in the areas of health, education and nutrition are fulfilled by programme beneficiaries. This initiative has been implemented under the last two Administrations.[72] Under the present Administration, the Better Life Programme provided housing improvements that contribute to more healthful living conditions (such as water filters, latrines, environmentally friendly heaters, cement floors, water storage tanks and roofs) to more than 47,000 families in 2014. Support for microenterprises and family farms has helped to generate more than 24,000 income streams in 2014 alone, with a majority of the beneficiaries being women who have set up family or

community food gardens or microenterprises that produce staple foodstuffs. In 2012, the Public Policy for Comprehensive Early Childhood Development was adopted.[73]

47. **Agrarian reform.** Since 2010, the preceding and current Administrations have not only promoted and endorsed two agreements between peasant organizations and large-scale agricultural exporters but have also taken steps to improve the security situation in the Lower Aguán Valley. The first agreement was signed on 23 April 2010 and the second on 17 June 2011. The Movimiento Unificado Campesino del Aguán (Unified Peasant Movement of the Aguán) and the Movimiento Auténtico Reivindicador Campesino del Aguán (Peasant Land Reclamation Movement of the Aguán), which represent more than 3,500 families, have entered into these agreements. In support of this process, Congress authorized the State to act as guarantor for private bank loans to the two movements to enable them to buy land owned by one of the agricultural export companies.[74] The action of the State has paved the way for an orderly process that does not impair the farms' production performance and thereby averts failures to meet export commitments which, in the long run, would have created a situation in which households whose incomes are dependent on investment in the sector would have been pushed into poverty.

48. The National Agrarian Institute has adopted broad measures to uphold the right to an adequate standard of living in the rural sector, including: (i) granting legal personality to 1,369 peasant enterprises (in 2012, 654 enterprises were awarded that status and/or had their status modified, the highest number since 2007); (ii) supporting the organization of 691 rural savings and credit cooperatives, with a total of 8,292 beneficiaries, of whom 2,488 (30 per cent) have been women; (iii) awarding 872,578.77 hectares of State-owned land in 2013 to landless peasants in the associative agrarian sector, individual producers who have been farming the land for many years, and indigenous and Afro-Honduran communities, particularly those based in the Río Plátano Biosphere Reserve. The Miskito people received 703,838 hectares of that land.[75] (Recommendation 83.12).

49. **Employment policies, programmes and challenges.** In order to create opportunities to enhance the standard of living of the many Hondurans who find it necessary to work in the informal economy,[76] the Government has advanced public policies designed to create jobs in the formal sector and to improve conditions for informal-sector workers. In this connection, in November 2010 Congress adopted the National Hourly Employment Programme Act,[77] which is implemented by the Ministry of Labour and Social Security. Given its success, this programme ran throughout the last Administration's term of office and has been continued by the current Administration. Since 2014, this programme has been backstopped by the Hourly Employment Act.[78] The programme generated 177,369 new jobs during its initial phase and has created 53,339 more in the second phase without displacing any permanent workers. It has ensured the protection for hourly workers under a scheme that is aligned with the ILO conventions ratified by Honduras and that gives them social security coverage and priority consideration for permanent positions that open up in their workplace.

50. In addition, since 2014, President Hernández has partnered with the private sector to promote the *Con Chamba Vivís Mejor* (Life is better with a job) Programme, which is geared towards young people who are neither studying nor working and who lack the work experience needed to be considered in normal recruitment processes. Under the programme, which has already created 33,254 new jobs in 2014, the Government pays half the minimum wage for these workers for up to three months. In January 2014, the Act on Protection, Benefits and Regularization of Informal Activities was adopted.[79] A national minimum wage has also been approved for 2014–2015.[80] (Recommendation 81.1).

51. **Strengthening social security.** On the basis of the Constitution and international human rights instruments, the executive branch has submitted the Framework Bill on the Social Protection System for a Better Life to Congress. The purpose of the initiative is to

provide the population with comprehensive health-care coverage and to universalize social security by organizing and coordinating both contributory and non-contributory official, private, mixed and community-based social welfare, social security and health services on the basis of an integrated governance structure and funding scheme.[81] Congress has held consultations on the content of the bill with all sectors concerned with a view to its passage in 2015. (Recommendations 81.1, 82.102, 82.103 and 82.104).

52. **Advances in health care.** During the reporting period, the national health plans for 2010-2014 and 2014–2018 have been implemented. The plans take into account the United Nations Millennium Development Goals, which Honduras is committed to attaining. It should be noted, in that regard, that Honduras has achieved immunization coverage of close to 100 per cent for children of the appropriate ages. For example, the rate of coverage stands at 99 per cent for the BCG vaccine, 95 per cent for pentavalent (type 3), 96 per cent for the oral polio vaccine (type 3) and 88 per cent for the measles/mumps/rubella vaccine.[82] In January 2014, in a further step in line with best practices for immunization programmes, Congress adopted the Vaccines Act,[83] which provides a legal foundation for children's right to be vaccinated and the duty of parents and the State to give effect to that right. (Recommendation 82.104).

53. **Legislative advances to promote the right to health.** In January 2013, Congress amended article 145 of the Constitution to include the right to water and sanitation, stipulating that the use of water resources must be equitable and sustainable and that priority should be placed on human consumption.[84] Legislative achievements include: in June 2010, Congress passed the Specialized Tobacco Control Act;[85] September 2013 saw the adoption of the National Kidney Act, which regulates dialysis services more effectively;[86] in September 2013, the Breastfeeding Promotion and Protection Act[87] was passed; in January 2014, the Human Organ Donation and Transplantation Act,[88] which updates existing legislation in that area, was adopted; in May 2014, the Dengue Fever Prevention and Control Act[89] was passed; and, in July 2014, the Act Regulating the Sale of Agricultural Products of Varying Degrees of Toxicity[90] was promulgated. (Recommendation 81.1).

54. **Reforms that place greater emphasis on education.** (Recommendation 82.102). In line with the views expressed by the United Nations Educational, Scientific and Cultural Organization (UNESCO),[91] expanding the coverage of the third cycle of primary education and of secondary education has been and is a priority for the last and present Administrations and should remain so for future ones. As a sign of that national commitment, in January 2012, Congress amended article 171 of the Constitution to redefine the length and cycles of free, public compulsory education. The length of the period of instruction was set at one year for the preschool level, nine years for the primary level and from two to three years (depending on the course of study) for the secondary level.[92]

55. January 2012 also saw the adoption of the Basic Education Act.[93] The main objectives of this law are to base the country's educational activities on the human right to education and to foster the participation of the school community, which is understood to comprise all parties with a direct interest in ensuring that the schools are run properly, including parents and community leaders. Between 2013 and 2014, the executive branch promulgated more than 20 implementing regulations for a series of provisions contained in the Act. The educational reform process has been buttressed by other legislation, including the State Education and Community Participation Act, passed in April 2011,[94] and the Educational Quality and Equity Assessment, Accreditation and Certification Act, adopted in December 2013.[95]

56. **Other achievements in the area of education.** Under the last two Administrations there have been several developments that give cause for optimism, including: (i) the completion of at least 200 school days in the public education system during the 2013 and

2014 academic years. This achievement is particularly significant in view of the fact that, between 2000 and 2004, for instance, the average number of school days per year was 141;[96] (ii) the sitting of national academic performance tests in Spanish and mathematics by first- to ninth-grade students for two consecutive years (2012 and 2013); (iii) the launch of the first general assessment of teaching performance in Honduras, which made it possible to test first- to ninth-grade teachers on their knowledge of Spanish, mathematics and teaching methods; (iv) the strengthening and consolidation of the school meals programme, which covers 96.64 per cent of public preschool and primary-school pupils throughout the country; and (v) the reintroduction of a governance structure and the administrative reorganization of the public education system.

57. Intercultural bilingual education for indigenous and Afro-Honduran students continues to be strengthened in 1,128 preschools and primary schools in 15 of the country's 18 departments. In 2013, the Intercultural Multilingual Education Department of the Ministry of Education was established and tasked upgrading the administrative structures of the education sector.[97] (Recommendations 81.1, 82.11, 82.18 and 82.107).

58. **Environmental initiatives.** In January 2014, Congress adopted the Climate Change Act,[98] which provides continuity to the efforts undertaken by Honduras since ratifying the United Nations Framework Convention on Climate Change in 1995 and formulating the National Climate Change Strategy, which was approved by the executive branch in 2010.[99] In 2010, the Ministry of Natural Resources and the Environment, working with the Pollution Control and Research Centre, established the Pollutant Release and Transfer Register[100] with the support of the United Nations Institute for Training and Research (UNITAR). The introduction of this register was made possible by the adoption of the Policy for the Environmentally Sound Management of Chemicals in Honduras[101] and the establishment of the Chemical Management Committee.[102] In addition, Congress ratified the International Tropical Timber Agreement[103] in May 2011 and the Gaborone amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora in March 2012.[104] (Recommendation 81.1).

2. Equality and non-discrimination: sectoral policies and laws adopted for the benefit of vulnerable groups

59. February 2011 saw the adoption of the Roadmap for the Prevention and Eradication of the Worst Forms of Child Labour as the nation's policy on this issue.[105] The Roadmap is an action plan that outlines key objectives, outcomes, indicators, targets and strategies. It was drafted with the technical assistance of ILO and is based on consultations with numerous State institutions, non-governmental organizations, trade unions and Honduran business associations. The follow-up, monitoring and evaluation of its implementation is a responsibility that falls mainly to the Ministry of Labour and Social Security, with support from the National Commission for the Progressive Elimination of Child Labour[106] and the Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons. The overall goal of the Roadmap is to eliminate child labour by 2020. (Recommendations 81.1, 82.3, 82.4, 82.17, 82.18, 82.51, 82.52, 82.40, 82.44, 82.21, 82.39, 82.45, 82.47, 82.48, 82.49 and 82.50).

60. The Gender Equality and Equity Plan for 2010–2022, which is the second of its kind, was adopted in July 2010 and constitutes the national policy on women's issues.[107] Its formulation was headed up by the National Institute for Women and involved national consultations with central government bodies, municipal councils and civil society organizations, particularly women's associations. International cooperation was also made available for this purpose. Under this plan, all government agencies are called upon to coordinate their efforts to reach the stated policy objectives and to allocate technical and financial resources for that purpose. A highly significant step forward in its implementation

has been the establishment of municipal women's offices tasked with drawing up and implementing local gender policies in the country's 298 municipalities. (Recommendations 81.1, 82.3, 82.9, 82.11, 82.18, 82.21, 82.37, 82.38, 82.39, 82.41, 82.42, 82.43, 82.44, 82.45 and 82.46).

61. **Advances in the protection of persons with disabilities.** The Public Policy on the Rights and Social Inclusion of Persons with Disabilities in Honduras[108] was adopted in May 2013. Its formulation and implementation were entrusted to the Department for Older Persons and Persons with Disabilities.[109] The policy was formulated with the support of the most representative organizations in the sector and is to remain in effect for nine years. In June 2013, Congress adopted the Comprehensive Services and Inclusion of Persons with Disabilities Act.[110] The adoption of the Honduran Sign Language Act in January 2014 was also a very important step forward in providing deaf persons with access to education, communication and the enjoyment of their other rights under conditions of complete equality.[111] (Recommendations 81.1 and 82.18).

62. **Creation of a specific institutional framework for indigenous and Afro-Honduran peoples.** During the reporting period, and for the first time ever in Honduras, a specific and permanent institutional framework was established to respond to the needs and problems of the nine indigenous and Afro-Honduran peoples in the country, initially through the Ministry of Indigenous and Afro-Honduran Peoples (2010–2014) and, since 2014, through the Department of Indigenous and Afro-Honduran Peoples, which has maintained the cultural and development programmes begun by its predecessor.[112] This framework has served as a basis for efforts to facilitate and coordinate initiatives such as the National Plan to Combat Racism and Racial Discrimination for 2014–2022; the Political Agenda of Indigenous and Afro-Honduran Women, the Inter-Agency Commission to Prevent Spearfishing;[113] an evaluation of compliance with ILO Convention No. 169; and dozens of projects related to agriculture, access roads, water supply and sewerage systems, community services, productive development and the environment.[114] (Recommendations 81.1, 82.11, 82.106, 82.107 and 82.108).

63. **Priority measures for the lesbian, gay, bisexual and transgender (LGBT) community.** In 2015, as part of the ongoing dialogue between the Ministry of Human Rights, Justice, Governance and Decentralization and members of sexual minorities, priority has been given to the implementation of 20 activities under the National Human Rights Plan that focus on this community. These range from proposals for legal reforms aimed at discouraging discrimination to awareness-raising among public officials, subsidies for training programmes run by relevant organizations and the submission of periodic reports on progress made in this area by government ministries. (Recommendations 81.1, 82.18, 83.4 and 83.8).

64. **Legislation and action to protect migrant children and adults.** Since October 2011, security concerns, the search for economic opportunities and hopes of family reunification have led to a dramatic increase in the flow of unaccompanied child migrants from El Salvador, Guatemala and Honduras to the United States of America. This culminated in a humanitarian crisis in 2014.[115] In July 2014, the President issued an emergency decree that framed a comprehensive response to the issue and provided for the coordination of the work of all the relevant State institutions under the leadership of the National Directorate for Children, Adolescents and Families.[116] He also established the Child Migrant Task Force, a committee composed of various agencies which is coordinated by the First Lady. The Task Force has worked on the ground in detention and reception centres in the United States and Mexico in order to gather first-hand information on the situation of these children and their families, which tend to be headed by single mothers. (Recommendations 81.1, 82.102, 82.109 and 82.110).

IV. Follow-up to the recommendations and/or voluntary commitments made in the first round of the universal periodic review

65. Honduras has established a follow-up mechanism whose implementation has been headed up by the Ministry of Human Rights, Justice, Governance and Decentralization. In February 2013, it submitted a voluntary mid-term report which assessed the country's level of compliance, recommendation by recommendation (see annex). In addition, the reader will have noted that many of the paragraphs in this report contain references to specific recommendations to which a measure or set of measures pertains. (These numbers refer to numbered paragraphs in the report of the Working Group on the Universal Periodic Review to the Human Rights Council (A/HRC/16/10)). As can be seen from the Public Policy and National Plan on Human Rights and from the December 2014 progress report (see annex), these measures have been specifically structured on the basis of the recommendations made in the first cycle of the universal periodic review and the observations of permanent bodies, treaty bodies and thematic mechanisms in both the universal and inter-American systems for the protection of human rights.

V. National initiatives and commitments

66. Honduras recognizes and welcomes the fact that the universal periodic review, as a cooperative process, offers an invaluable forum for dialogue with civil society and the international community, along with an opportunity to generate an internal debate on concrete measures that can improve the human rights situation in the country. To that end, Honduras stands ready to upgrade its ongoing follow-up to the universal periodic review and to improve the human rights situation in the country.

67. With that in mind, efforts are under way to establish a human rights observatory. A standing group of officials from numerous institutions has been set up and tasked with handling the various reports that the State needs to prepare in order to fulfil its international commitments. The group will be given official standing by executive decree. In addition, work will soon begin on the creation of a monitoring and evaluation system whose core components will be the indicators used in the Public Policy and National Plan on Human Rights and the international standards established by specialized agencies and treaty bodies. This follow-up mechanism will be backstopped by a permanent agency that will engage in dialogue and consultation with civil society on matters pertaining to human rights. The members, structure and activities of this body will be defined in agreement with relevant organizations.

VI. Expectations of Honduras in terms of technical assistance

68. Honduras is grateful for the technical and financial assistance in the field of human rights received from friendly countries and from agencies in the international and regional human rights systems. It is with trust in that continued support and its steadfast commitment to make the required national effort that, in relation to the mechanisms and resources that may be available in connection with the universal periodic review, Honduras requests support in launching the following initiatives: (i) establishing a process for ensuring ongoing follow-up to the universal periodic review and a dialogue with civil society on human rights issues; (ii) setting up an office of the United Nations High Commissioner for Human Rights in Honduras; (iii) implementing the national mechanism for the protection of human rights defenders, social communicators, journalists, lawyers

and justice officials that is in the process of being established under a law passed by Congress; (iv) setting up transparent systems, in line with the principle of judicial independence, for the recruitment, evaluation and discipline of court and administrative staff within the judicial branch and participatory systems for civil society oversight of the judiciary; and (vi) strengthening the Office of the National Commissioner for Human Rights as the lead national human rights institution.

VII. Overview

69. This report illustrates that, particularly under the last two Administrations, Honduras has made a serious effort to overcome the human rights challenges which it found itself facing in 2010. Improvements have been made in the overall security situation, action is being taken on a systematic basis to address socioeconomic issues and, for the first time in its history, the country has a public policy and national plan on human rights. Nevertheless, most of the human rights challenges and constraints currently faced by Honduras stem, on the one hand, from the structural issues of poverty, inequality and inequity which undermine its population's enjoyment of economic, social and cultural rights, in particular, and, on the other, from the region-wide increase in violence, which has outstripped the institutional capacity of the countries of the region to prosecute offences, resulting in impunity and impairing the enjoyment of civil rights. Even though the preceding and present Administrations have made a determined effort to meet these challenges, it has to be understood that nothing less than a sustained commitment in the medium and long terms, with the unstinting support of all political and social forces and the backing of the international community, will enable Honduras to fulfil the objective set out in its national vision and plan: a country whose population is educated, healthy, safe, free of extreme poverty and violence, and able to pursue the country's development within a democratic framework.

Notes

[1] Sobre el proceso electoral de 2013 en Honduras puede verse: Misión de Observación Electoral de la Unión Europea en Honduras. Elecciones Generales – 24 de noviembre de 2013. *Declaración preliminar: una votación y recuento transparentes tras una campaña opaca y desigual*. Tegucigalpa, 26 de noviembre de 2013. Además, la Organización de Estados Americanos (OEA) reconoció el buen funcionamiento del sistema integrado de escrutinio y divulgación electoral (SIEDE), sobre el cual la Secretaría de Asuntos Políticos y la Misión de la OEA habían realizado auditorías técnicas y recomendaciones. Véase: OEA. Secretaría de Asuntos Políticos (SAP). Departamento para la Cooperación y Observación Electoral (DECO). *Informe final auditoría para la verificación de la calidad y transparencia en el funcionamiento del sistema integrado de escrutinio y divulgación electoral (SIEDE) implementado por el Tribunal Supremo Electoral de Honduras para las elecciones generales del 24 de noviembre de 2013*. Tegucigalpa, 20 de noviembre de 2013; *Misión de la OEA en Honduras llama a esperar los resultados definitivos*. Tegucigalpa, 26 de noviembre de 2013. En: http://www.oas.org/es/sap/deco/moe/Honduras2013/default.asp Adicionalmente, de acuerdo al informe del consorcio Hagamos Democracia, el Partido Nacional tuvo representación en 96% de las MER, LIBRE en 97.9%, el Partido Liberal en 95.6% y el PAC en 72.5% de ellas. Hagamos Democracia. *Informe de Hagamos Democracia*. 24 de noviembre de 2013. Finalmente, puede verse también el *Comunicado de prensa de la delegación de alto nivel político del Centro Carter en las elecciones de Honduras*. 26 de noviembre 2013. En: https://www.cartercenter.org/news/pr/honduras-112613.html (sitios consultados el 26/11/2013).

[2] El Decreto No. 49-2012, de 17 de abril, introduce en el Código Penal el delito de desaparición forzada. Fue publicado en el diario oficial La Gaceta No. 32,873, el 16 de julio de 2012.

[3] El Decreto No. 22-2011, de 7 de marzo, reforma el tipo penal de tortura para adecuarlo a los estándares internacionales. Fue publicado el 19 de mayo de 2011 en el diario oficial La Gaceta No. 32,519.

[4] La inclusión de la orientación sexual, la identidad de género y la pertenencia a pueblos indígenas y afrodescendientes como factores potenciales del tipo penal de discriminación, así como la creación del delito de incitación al odio por los mismos criterios, se produjo por reforma al Código Penal, mediante Decreto No. 23-2013, de 25 de febrero de 2013, publicado en el diario oficial La Gaceta No. 33,092, el 6 de abril de 2013.

[5] La elección del nuevo Comisionado Nacional de los Derechos Humanos por el Congreso Nacional se registró mediante Decreto No. 18-2014, de 25 de marzo de 2014.

[6] Luego de una evaluación especial en octubre de 2010 y un año de plazo para cumplir plenamente con los Principios de Paris, el Comisionado Nacional de los Derechos Humanos fue clasificado como institución con estatus "B" (sin cumplimiento pleno de los principios) por el órgano acreditante. International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). *Chart of the Status of National Institutions.* Accreditation status as of 23 May 2014.

[7] La Secretaría de Estado en los Despachos de Justicia y Derechos Humanos es creada a través de una reforma a la Ley General de la Administración Pública (Decreto 146-86), mediante el Decreto No. 177-2010, publicado en la edición 32,335 del diario oficial La Gaceta, el 30 de septiembre de 2010.

[8] La fusión de las carteras ministeriales de derechos humanos e interior es autorizada por la *Ley para Optimizar la Administración Pública, Mejorar los Servicios a la Ciudadanía y Fortalecimiento de la Transparencia en el Gobierno*, aprobada mediante Decreto No. 266-2013, de 16 de diciembre de 2013, publicado en el diario oficial La Gaceta No. 33,336, de 23 de enero de 2014.

[9] La *Unidad de Seguimiento a las Recomendaciones de la Comisión de la Verdad y la Reconciliación* fue creada el 8 de noviembre de 2011, mediante Decreto Ejecutivo No. PCM 071-2011.

[10] La primera *Política Pública y Plan Nacional de Acción en Derechos Humanos* se aprobó el 22 de enero de 2013, mediante Decreto Ejecutivo No. PCM 003-2013, publicado en el diario oficial La Gaceta No. 33,073 el 12 de marzo de 2013.

[11] La publicación de la sentencia del caso *Luna López vs. Honduras*, se realizó el 22 de agosto de 2014, en el diario oficial La Gaceta No. 33,512.

[12] La señora esposa y los hijos del señor Carlos Luna López notificaron su decisión de no someterse al tratamiento psicológico que el Estado preparaba en cumplimiento de la sentencia de la Corte IDH, mediante nota dirigida al Procurador General de la República, en fecha 25 de marzo de 2014.

[13] Con relación a la incorporación de los tratados o convenciones internacionales, los tres momentos que marca la Constitución de la República (art. 16) son, en su orden: (i) la aprobación, que realiza el Congreso Nacional sobre un texto que ya ha firmado el Poder Ejecutivo; (ii) la ratificación, que efectúa el Presidente de la República sobre el texto aprobado por el Congreso y; (iii) el canje o depósito del instrumento de ratificación, que lleva a cabo el Poder Ejecutivo ante el órgano designado por el tratado o convención. Las tres fases reflejan la voluntad del Estado por obligarse, pero la aprobación del Legislativo reviste particular importancia, por tratarse de un órgano colegiado que no participó en las negociaciones para la firma del instrumento.

[14] Si bien el *Protocolo Facultativo de la Convención sobre los Derechos de las Personas con Discapacidad* se había aprobado por el Congreso Nacional mediante Decreto Legislativo No. 16-2009, de 8 de febrero de 2009, el mismo no había podido depositarse debido a la crisis política de 2009 y la consecuente situación de Honduras ante la comunidad internacional.

[15] La *Convención sobre Municiones en Racimo*, fue aprobada mediante Decreto No. 135- 2011, de 24 de agosto de 2011, publicado en el diario oficial La Gaceta No. 32,684, el 2 de diciembre de 2011.

[16] La *Convención sobre el Estatuto de los Apátridas* fue aprobada por el Congreso Nacional mediante Decreto No. 94-2012 de 20 de junio de 2012.

[17] *Convención para Reducir los Casos de Apatridia*, aprobada por el Congreso Nacional, a través del Decreto 102-2012 de 25 de julio de 2012.

[18] La *Convención Relativa a la Lucha contra las Discriminaciones en la Esfera de la Enseñanza* fue aprobada por el Congreso Nacional mediante Decreto 40-2013, de 21 de marzo de 2013, publicado en el diario oficial La Gaceta No. 33,144, el 7 de junio de 2013. El depósito del instrumento de ratificación ante la UNESCO se produjo el 5 de septiembre de 2013.

[19] Las reservas a la *Convención sobre el Estatuto de los Refugiados* fueron retiradas por el Congreso Nacional el 25 de febrero de 2013, mediante Decreto 20-2013, publicado en el diario oficial La Gaceta No. 33,092, el 6 de abril de 2013.

[20] *Convenio 144 de OIT, sobre la consulta tripartita para promover la aplicación de las normas internacionales del trabajo*, aprobado por el Congreso Nacional mediante Decreto 122-2011 de 29 de julio y publicado en el diario oficial La Gaceta No. 32,617 de 10 de septiembre de 2011.

[21] La *Ley del Consejo Económico y Social*, aprobada mediante Decreto No. 292-2013, el 13 de enero de 2014, publicado en el diario oficial La Gaceta No. 33,392 de 29 de marzo de 2014.

[22] Organización de los Estados Americanos (OEA). *Acta de depósito del instrumento de adhesión por parte del Gobierno de la República de Honduras del Protocolo a la Convención Americana sobre Derechos Humanos Relativo a la Abolición de la Pena de Muerte, adoptado en Asunción, Paraguay, el 8 de junio de 1990.*

Acta de depósito del instrumento de adhesión por parte del Gobierno de Honduras del Protocolo Adicional a la Convención Americana sobre Derechos Humanos en Materia de Derechos Económicos, Sociales y Culturales "Protocolo de San Salvador", suscrito en San Salvador, El Salvador, el 17 de noviembre de 1988.

Acta de depósito del instrumento de adhesión por parte del Gobierno de la República de Honduras de la Convención Interamericana para la Eliminación de Todas las Formas de Discriminación contra las Personas con Discapacidad, suscrita en la Ciudad de Guatemala, Guatemala, el 7 de junio de 1999.

Si bien los tres instrumentos se habían aprobado por el Congreso Nacional mediante Decretos Legislativos Nos. 5, 15 y 18-2009, de 8 de febrero de 2009 y publicados en el diario oficial La Gaceta No. 32,002, de 31 de agosto de 2009, respectivamente, los mismos no habían podido depositarse debido a la crisis política de 2009 y la consecuente suspensión de Honduras del seno de la OEA.

[23] U.S. Department of State. Bureau of International Narcotics and Law Enforcement Affairs. *2014 International Narcotics Control Strategy Report (INCSR). Country Report:Honduras.* http://www.state.gov/j/inl/rls/nrcrpt/2014/vol1/222904.htm (Consultado 25/11/2014).

[24] Véase, *La tasa de homicidios bajará nueve puntos este año: Directora del Observatorio de la Violencia, Migdonia Ayestas*. Día 7, La Tribuna, 29/11/2014. El recuento oficial indica que la tasa de homicidios por cada 100,000 habitantes fue de 66.4 en 2014, cifra que, si bien sigue siendo muy alta para cualquier sociedad, implica un descenso de más de 19 puntos con relación a la de 86.5 en 2011. Sobre la tendencia a la baja en las tasas de homicidios durante los tres últimos años coinciden, tanto la Secretaría de Seguridad, a través del Centro de Operaciones Estratégicas de la Policía Nacional (COEPOL), como el Observatorio de la Violencia de la Universidad Nacional Autónoma de Honduras, la instancia académica referente en la materia. , pp. 2B–3B.

[25] *Ley de Privación Definitiva del Dominio de Bienes de Origen Ilícito*, aprobada por el Congreso Nacional a través del Decreto No. 27-2010, de 5 de mayo de 2010, publicado el 16 de junio de 2010 en el diario oficial La Gaceta No. 32,239. Esta norma fue afinada posteriormente mediante las reformas introducidas en el Decreto No. 153-2010 de 9 de septiembre de 2010, publicado en el diario oficial La Gaceta No. 32,357, el 4 de noviembre de 2010; en el Decreto No. 258-2011 de 14 de diciembre de 2011, publicado en el diario oficial La Gaceta No. 32,792, el 10 de abril de 2012 y; en el Decreto No. 51- 2014 de 16 de julio de 2014, publicado en el diario oficial La Gaceta No. 33,484, el 21 de julio de 2014.

[26] *Ley de Seguridad Poblacional*, aprobada por el Congreso Nacional mediante los decretos 105-2011 y 166-2011 (reforma), de 24 de junio y 14 de septiembre de 2011, los cuales fueron publicados, respectivamente, en el diario oficial La Gaceta No. 32,562 el 8 de julio de 2011 y No. 32, 634 el 1 de octubre de 2011. También fueron interpretados sus artículos 7 y 9.19, a través del Decreto No. 58-2012 de 25 de abril de 2012, el cual fue publicado en el diario oficial La Gaceta 32,832 el 29 de mayo del mismo año. Con posterioridad ha sido reformada a través del Decreto No. 275-2013, de 17 de diciembre de 2013.

[27] *Ley de Fideicomiso para la Administración del Fondo de Protección y Seguridad Poblacional*, aprobada mediante Decreto No. 199-2011 de 4 de noviembre de 2011, publicado en el diario oficial La Gaceta No. 32,685 el 3 de diciembre de 2011. Sus artículos 5 y 6 fueron reformados por el Decreto No. 222-2012, el 18 de enero de 2013, junto con la Ley de Seguridad Poblacional (art. 38), para asegurar una mejor recaudación, fiscalización, cobro y sanciones en caso de defraudación. Posteriormente, su artículo 1 también fue reformado mediante Decreto No. 322-2013, de 15 de enero de 2014.

[28] El artículo 102 de la Constitución de la República fue reformado mediante Decreto No. 269-2011, de 19 de enero de 2012, publicado en el diario oficial La Gaceta No. 32,769 de 24 de enero de 2012.

Conforme al procedimiento agravado contemplado en la propia carta magna, la reforma se ratificó mediante Decreto No. 2-2012 de 25 de enero de 2012, el cual fue publicado el 27 de febrero de 2012 en La Gaceta No. 32,758.

[29] *Ley Especial para la Depuración Policial*, aprobada mediante Decreto No. 89-2012, de 24 de mayo de 2012, publicado el 25 de mayo del mismo año en el diario oficial La Gaceta No. 32,829.

[30] La Dirección de Investigación y Evaluación de la Carrera Policial se crea a través de la reforma a la Ley Orgánica de la Policía Nacional, efectuada mediante Decreto No. 198- 2011, de 4 de noviembre de 2011, publicado en el diario oficial La Gaceta No. 32,666, el 11 de noviembre de 2011. Posteriormente, para profundizar la depuración, se amplían sus facultades mediante Decreto 5-2012, de 31 de enero de 2012, publicado en el diario oficial La Gaceta No. 32,753, el 21 de febrero de 2012.

[31] *Ley General de la Superintendencia para la Aplicación de Pruebas de Evaluación de Confianza*, aprobada mediante Decreto No. 254-2013, de 16 de diciembre de 2013, publicado en el diario oficial La Gaceta No. 33,372, el 6 de marzo de 2014.

[32] *La Ley de la Policía Militar del Orden Público* fue aprobada mediante Decreto 168- 2013, de 22 de agosto de 2013 y publicada en el diario oficial La Gaceta 33,211, de 24 de agosto de 2013. Fue reformada posteriormente por los Decretos 286-2013, de 8 de enero de 2014, publicado en el diario oficial La Gaceta No. 33,354, de 13 de febrero de 2014 y; 410-2013, de 20 de enero de 2014, publicado en el diario oficial La Gaceta No. 33,527, de 9 de septiembre de 2014.

[33] La *Fiscalía Especial de Delitos contra la Vida* se crea en agosto de 2013, mediante resolución CIMP-025-08-2013, emitida por la Comisión Interventora del Ministerio Público, nombrada por el Congreso Nacional.

[34] La *Agencia Técnica de Investigación Criminal* se ha creado por Decreto No. 379-2013, de 20 de enero de 2014, publicado en el diario oficial La Gaceta No. 33,382, el 18 de marzo de 2014. Reforma los artículos 1 y 41 al 44 de la Ley del Ministerio Público (Decreto 228-93, de 13 de diciembre de 1993).

[35] El delito de femicidio fue introducido en el Código Penal mediante Decreto No. 23-2013, de 25 de febrero de 2013. Fue publicado en el diario oficial La Gaceta No. 33,092, el 6 de abril de 2013.

[36] La *Política Nacional de Prevención de la Violencia hacia la Niñez y la Juventud de Honduras* fue aprobada mediante Decreto Ejecutivo PCM 011-2013, de 12 de febrero de 2013.

[37] *Ley para el Establecimiento de una Visión de País y la Adopción de un Plan de Nación para Honduras*, emitida mediante Decreto No. 286-2009, el 13 de enero de 2010, publicado en el diario oficial La Gaceta de 2 de febrero de 2010.

[38] *El MUCA margen derecha y la lucha campesina por la tierra en el Bajo Aguán: Estudio de caso*/Gustavo Irías, consultor. Tegucigalpa: Centro de Estudios para la Democracia (CESPAD), septiembre 2011. Sobre el cambio de la dinámica de la cuestión agraria en Honduras a partir de 1990, puede verse el trabajo de: Salgado, Ramón et al. *El mercado de tierras en Honduras.* Tegucigalpa: CEDOH/POSCAE-UNAH/Universidad de Wisconsin, 1994.

[39] La Fuerza de Tarea Conjunta Xatruch II, que opera en la región del Bajo Aguán, debe su nombre al General Florencio Xatruch Villagra, héroe militar, quien enviado por el Gobierno de Honduras, luchó contra las invasiones de filibusteros a Nicaragua en 1856. Se le asigna el número II, puesto que ya hubo una fuerza de tarea con el mismo nombre, la cual se constituyó para apoyar una misión militar internacional en el pasado reciente.

[40] El Decreto 117-2012 es una reforma al artículo 37 de la Ley de Control de Armas de Fuego, Municiones, Explosivos y otros Similares, aprobada por el Congreso Nacional el 2 de agosto de 2012, que contiene un artículo transitorio con ámbito espacial específicamente en el departamento de Colón (división política donde se desarrolla el conflicto del Bajo Aguán), por el cual se prohíbe la portación de armas en lugares públicos o su transporte en vehículos, aún si el arma está registrada o hay permiso para su portación. Publicada en el diario oficial *La Gaceta* No. 32,892, el 7 de agosto de 2012.

[41] Sobre la ejecución de las medidas cautelares ordenadas por la CIDH a Honduras, puede verse el video completo de la audiencia temática, celebrada el 28 de octubre de 2013, en: http://www.oas.org/es/cidh/multimedia/sesiones/149/11unes28b.asp.

[42] Entre las resoluciones y declaraciones de órganos de Naciones Unidas cuyas reglas y principios incorpora el proyecto de *Ley de protección para los/as defensores de derechos humanos, periodistas, comunicadores sociales y operadores de justicia*, se encuentran: la Resolución 13/13 del Consejo de Derechos Humanos de Naciones Unidas, relativa a la "Protección de los Defensores de los Derechos

Humanos"; la Resolución 53/144 de la Asamblea General de las Naciones Unidas, contentiva de la "Declaración sobre el Derecho y el Deber de los Individuos, los Grupos y las Instituciones de Promover y Proteger los Derechos Humanos y las Libertades Fundamentales Universalmente Reconocidos"; la Resolución 62/152 de la Asamblea General y; la Resolución 7/8 del Consejo de Derechos Humanos. *Informe del Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y expresión. Misión a Honduras: comentarios del Estado sobre el informe del Relator Especial.* 28 de marzo de 2013. A/HRC/23/40/Add.3.

[43] *Ley contra la Trata de Personas*, aprobada por el Congreso Nacional el 25 de abril de 2012, mediante Decreto No. 59-2012, publicado el 6 de julio de 2012 en La Gaceta 32,865.

[44] Comisión Interinstitucional contra la Explotación Sexual Comercial y Trata de Personas de Honduras. *Informe de acciones relevantes de la Comisión contra la Explotación Sexual Comercial y Trata.* 2013; Secretaría de Estado en los Despachos de Justicia y Derechos Humanos. *Informe del Estado de Honduras ante el Comité de los Derechos del Niño con arreglo al artículo 12 del Protocolo Facultativo de la Convención sobre los Derechos del Niño relativo a la venta de niños, la prostitución infantil y la utilización de niños en pornografía.* (2012). Párrafos 64–66; 126–132; 167.

[45] La *Ley del Sistema Penitenciario Nacional* se aprobó mediante Decreto No. 64–2012, de 14 de mayo de 2012, publicado en el diario oficial La Gaceta No. 32,990, el 3 de diciembre de 2012.

[46] *Ley de Indulto*, aprobada por el Congreso Nacional mediante Decreto No. 31-2013, de 28 de febrero de 2013, publicado en el diario oficial La Gaceta No. 33,090, el 4 de abril de 2013.

[47] El CONAPREV da cumplimiento al *Protocolo Facultativo a la Convención contra la Tortura y Otros Tratos Crueles, Inhumanos y Degradantes*, que fue aprobado mediante Decreto No. 374-2005, de 20 de enero de 2006. También pone en marcha la Ley del Mecanismo Nacional de Prevención contra la Tortura, aprobada a través del Decreto No. 136-2008, de 1 de octubre de 2008, publicado en el diario oficial La Gaceta el 5 de diciembre de 2008.

[48] La autonomía presupuestaria del CONAPREV se ha logrado gracias a la reforma del artículo 7 de su ley, aprobada por el Congreso Nacional mediante Decreto No. 356-2013 de 20 de enero de 2014.

[49] Comité Nacional de Prevención contra la Tortura, Tratos Crueles, Inhumanos o Degradantes (MNP-CONAPREV). *IV Informe anual a la nación, 2014.*

[50] El Consejo de la Judicatura y de la Carrera Judicial, se crea mediante Decreto No. 5-2011, de 17 de febrero, que ratifica la reforma a los artículos constitucionales 313 y 317; fue publicado el 7 de marzo de 2011 en el diario oficial La Gaceta No. 32,460. La reforma se había producido mediante Decreto No. 282-2010, de 19 de enero de 2011.

[51] *La Ley del Consejo de la Judicatura y la Carrera Judicial* fue emitida mediante Decreto No. 219-2011, de 17 de noviembre de 2011, el cual fue publicado en el diario oficial La Gaceta No. 32,706, el 28 de diciembre de 2011. El Decreto No. 291-2013, de 13 de enero de 2014, introdujo reformas en cinco de sus artículos.

[52] Sobre proyectos innovadores en el Poder Judicial pueden verse: *Informe de gestión judicial 2012.* pp. 87, 91, 93 y 104; Boletín de la Coordinación de Cooperación Externa en www.poderjudicial.gob.hn (consultado 11/12/2014); Instituto de Acceso a la Información Pública. *Informe anual de actividades 2013.* p. 49 (anexo 2).

[53] La Unidad de Género del Poder Judicial se creó el 30 de septiembre de 2010, mediante Acuerdo 04 de la Corte Suprema de Justicia, publicado en el diario oficial La Gaceta No. 32,373, el 23 de noviembre de 2010.

[54] La reforma integral de la normativa sobre niñez y familia se aprobó mediante Decreto No. 35-2013 del Congreso Nacional, el 27 de febrero de 2013, publicándose en el diario oficial La Gaceta No. 33,222, el 6 de septiembre de 2013. Posteriormente, fue afinado el artículo 23.5 de la *Ley contra la Violencia Doméstica* para permitir que las víctimas no sean confrontadas con sus agresores, si no están en condiciones emocionales para hacerlo, mediante Decreto No. 66-2014, de 26 de agosto de 2014, publicado en el diario oficial La Gaceta No. 33,577, el 10 de noviembre de 2014.

[55] El proceso de transición del Instituto Hondureño de la Niñez y la Familia (IHNFA) hacia la Dirección de Niñez, Adolescencia y Familia (DINAF) ha estado regulado por los decretos ejecutivos PCM 26-2014 y PCM 27-2014, ambos de 4 de junio de 2014, publicados también en conjunto en el diario oficial La Gaceta de 6 de junio de 2014.

[56] El Decreto No. 3-2011, de 17 de febrero, el cual amplía los temas que pueden ser consultados a la población mediante plebiscito y referéndum, ratifica la reforma a los artículos constitucionales 5 y

213; fue publicado en el diario oficial La Gaceta No. 32,460, el 7 de marzo de 2011. La reforma se había producido a través del Decreto No. 275-2010, de 13 de enero de 2011.

[57] *Ley de Mecanismos de Participación Ciudadana*, Decreto No. 190-2012, de 12 de diciembre de 2012, publicado en el diario oficial La Gaceta No. 33,074, el 13 de marzo de 2013.

[58] La cuota de 50% para candidatas mujeres fue establecida por el Congreso Nacional a través del Decreto 54-2012 de 24 de abril de 2012, publicado en el diario oficial La Gaceta No. 32,820 el 15 de mayo del mismo año.

[59] La reforma al artículo 205, numeral 15 de la Constitución de la República para introducir el juicio político fue ratificada mediante Decreto 8-2013, de 30 de enero de 2013, publicado en el diario oficial La Gaceta No. 33,062 el 27 de febrero de 2013. La reforma se había producido a través del Decreto No. 231-2012, de 23 de enero de 2013, publicado en el diario oficial La Gaceta No. 33,033 el 24 de enero de 2013.

[60] *Ley Especial de Juicio Político*, Decreto No. 51-2013, de 21 de marzo de 2013, publicado en el diario oficial La Gaceta No. 33,093, el 8 de abril de 2013.

[61] El Decreto Legislativo No. 32-2011, de 5 de abril, aprueba la *Ley Especial de Fomento para las Organizaciones No-Gubernamentales de Desarrollo (ONGD)*. Fue publicado el 27 de junio de 2011, en el diario oficial La Gaceta No. 32,552.

[62] *Ley de la Carrera Administrativa Municipal*, Decreto No. 74-2010, de 10 de junio de 2010. Su vigencia se suspendió por dos años, mediante Decreto No. 135-2012, de 23 de agosto de 2012.

[63] La *Ley de Patronatos y Asociaciones Comunitarias* fue aprobada mediante Decreto No. 253-2013, el 16 de diciembre de 2013, publicado en el diario oficial La Gaceta No. 33,351, el 10 de febrero de 2014.

[64] Honduras es un Estado unitario, organizado en 18 departamentos. Cada departamento tiene un número variable de municipios, en calidad de subdivisiones políticas autónomas, de rango local (artículos 294 a 302 de la Constitución de la República).

[65] Instituto de Acceso a la Información Pública. *Informe de Actividades 2011*. p. 10.

[66] Instituto de Acceso a la Información Pública. *Informe Anual de Actividades 2012*. p. 29.

[67] La reforma del artículo constitucional 182, para incluir la garantía del hábeas data, se produjo mediante Decreto No. 237-2012, de 23 de enero de 2013. Fue ratificada mediante Decreto No. 10-2013, de 30 de enero de 2013, publicado en el diario oficial La Gaceta No. 33,086, el 27 de marzo de 2013.

[68] *La Política de Protección Social (PPS)*, fue aprobada el 18 de marzo de 2012, mediante Decreto Ejecutivo PCM 008-2012.

[69] Hay antecedentes de la Política de Protección Social en los decretos legislativos 157-2008 y 193-2009.

[70] La *Ley Marco de Políticas Públicas en Materia Social*, fue aprobada mediante Decreto No. 38-2011, de 12 de abril de 2011, publicado en el diario oficial La Gaceta No. 33,149, el 13 de junio de 2013.

[71] ***Programa Presidencial de Salud, Educación y Nutrición "Bono 10 Mil"*, aprobado mediante Decreto Ejecutivo No. PCM-010-2010 del 13 de abril de 2010.** Dicho programa tiene como propósito contribuir con la ruptura del ciclo inter-generacional de la pobreza a través de la creación de oportunidades, desarrollo de capacidades y competencias en educación, salud y nutrición de las familias en extrema pobreza.

[72] Para medir el impacto del *Bono Diez Mil*, se encargó una evaluación al prestigioso centro NORC (organización independiente de investigación afiliada a la Universidad de Chicago, fundada en 1941 como el *National Opinion Research Center*, el cual trabajó en colaboración con una firma nacional (ESA Consultores, Economía, Sociedad, Ambiente e Ingeniería, fundada en 1992, con experiencia en estudios en Honduras, la región centroamericana y otros países del mundo). El estudio, que se realizó aplicando rigurosamente los estándares de las Ciencias Sociales, encontró que, luego de **un año** de intervención del programa, los hogares beneficiarios habían reducido la tasa de pobreza en 3 puntos porcentuales (p.p.) y que el promedio de consumo per cápita había aumentado en 7 puntos. En cuanto a los resultados de impacto en educación, se detectó que entre los hogares beneficiarios, la tasa de matriculación para los/as niños/as entre 6 y 17 años aumentó en 2.8 puntos porcentuales durante el año 2013 y que la asistencia escolar también lo hizo en 3.2 puntos. En lo que atañe a salud infantil, como resultado del programa aumentó en 2.6 p.p. la tasa de visitas al centro de salud de niños/as entre cero y tres años, en tanto que el monitoreo de peso para niños/as menores de un año reflejó un aumento de 15 p.p. Finalmente, el estudio recomendó afinar la focalización del bono, para lo cual es

menester continuar el fortalecimiento e integración de los sistemas de información; buscar la regularización (los montos y periodos) del bono; fortalecer el monitoreo y verificación del cumplimiento de corresponsabilidades de los hogares beneficiarios; estrechar la coordinación con las Secretarías de Educación y Salud y; realizar a futuro otras evaluaciones que permitan medir el impacto tras varios años de exposición de los beneficiarios al programa.

[73] La Política Pública para el Desarrollo Integral de la Primera Infancia tiene la finalidad que el Estado de Honduras, como garante de los derechos de la niñez, cuente con un instrumento que oriente a los organismos gubernamentales, no gubernamentales de desarrollo (ONGD), empresa privada con responsabilidad social y cooperantes, en la ejecución de estrategias de forma articulada que conduzcan a asegurar la supervivencia, desarrollo y protección de los niños, desde su gestación hasta los 6 años. La Política Pública es el resultado de un proceso de consulta y consenso con diferentes actores, incluyendo niños y niñas, lo que permitió conocer la situación, avances. brechas y limitaciones que enfrenta Honduras para brindar atención integral a la primera infancia y se enmarca en los principios de la Convención sobre los Derechos del Niño, que Honduras ratificó, convirtiéndose en un instrumento de obligatorio cumplimiento que vela por el interés superior del niño.

[74] La autorización para que el Estado se convirtiera en aval de los movimientos campesinos en la compra de tierras en el Aguán, se produjo mediante Decreto Legislativo No. 161-2011, de 13 de septiembre de 2011, publicado en el diario oficial La Gaceta No. 32,635, el 4 de octubre de 2011.

[75] Informe de gestión del Instituto Nacional Agrario (INA), 2007-2014. Mediante el Decreto No. 61-2013, aprobado el 17 de abril de 2013, el Congreso Nacional autorizó al Instituto de Conservación y Desarrollo Forestal de Áreas Protegidas y Vida Silvestre para que realizara el otorgamiento de títulos de propiedad a las comunidades indígenas y afro-hondureñas ubicadas en la Zona Cultural de la Reserva del Hombre y la Biósfera del Río Plátano. Fue publicado en el diario oficial La Gaceta No. 33,138, el 31 de mayo de 2013.

[76] De cada 100 ocupados/as, 43 efectúan sus actividades laborales a cambio de un salario pagado por un patrono, 45 lo hacen por cuenta propia, generando su empleo, y, 13 son trabajadores/as no remunerados, vale decir, personas que trabajan de alguna forma pero que no reciben un pago en metálico a cambio. Instituto Nacional de Estadística (INE). *XLIV Encuesta Permanente de Hogares de Propósitos Múltiples (EPHPM) mayo 2013.*

[77] La *Ley del Programa Nacional de Empleo por Horas* fue aprobada el 4 de noviembre de 2010, mediante Decreto No. 230-2010, publicado en el diario oficial de 5 de noviembre de 2010. Su vigencia fue prorrogada por el Decreto No. 218-2013, de 6 de septiembre de 2013, publicado en el diario oficial La Gaceta No. 33,246, de 5 de octubre de 2013; y posteriormente, por el Decreto No. 279-2013, de 21 de diciembre de 2013.

[78] *Ley de Empleo por Hora*, aprobada mediante Decreto No. 354-2013, de 20 de enero de 2014, publicado en el diario oficial La Gaceta 33,393, el 31 de marzo de 2014.

[79] *Ley para la Protección, Beneficios y Regularización de la Actividad Informal*, Decreto No. 318-2013, de 15 de enero de 2014, publicado en el diario oficial La Gaceta No. 33,436, el 26 de mayo de 2014.

[80] *Acuerdo Tripartito sobre la Revisión del Salario Mínimo para los años 2014-2015-2016*, aprobado mediante Acuerdo No. STSS-599-2013 de fecha 20 de diciembre de 2013, publicado en el diario oficial La Gaceta No. 33,313, el 26 de diciembre de 2013.

[81] Para un panorama de la situación actual del sistema de seguridad social en Honduras puede verse: Oficina Internacional del Trabajo (OIT)/Unión Europea. *La cobertura de los seguros sociales en Honduras: análisis y recomendaciones*/F. Durán Valverde, J.F. Ortiz Vindas y H.W. Díaz Romero. Ginebra, 2013. La cobertura insuficiente del sistema de seguridad social es un problema que Honduras comparte con otros países de la subregión centroamericana. V. por ej. *Envejecimiento en América Latina: sistemas de pensiones y protección social integral*/Antonio Prado y Ana Sojo, eds. Santiago, Chile: Comisión Económica para América Latina (CEPAL): 2010.

[82] La principal fuente utilizada para desarrollar este apartado ha sido: Secretaría de Salud. Instituto Nacional de Estadística (INE). ICF International. *Encuesta Nacional de Salud y Demografía (ENDESA) 2011–2012.* Tegucigalpa, 2013. Para tener una línea de base, sus datos se contrastan, generalmente, con la ENDESA 2005–2006.

[83] La *Ley de Vacunas* fue aprobada mediante Decreto 288-2013, el 8 de enero de 2014, publicándose en el diario oficial La Gaceta No. 33,389, el 26 de marzo de 2014.

[84] La reforma al artículo 145 de la Constitución de la República, para incluir en él el derecho al agua y saneamiento, fue ratificada por Decreto No. 232-2012, de 23 de enero de 2013, publicado en el diario oficial La Gaceta No. 33,033 el 24 de enero de 2013. La reforma se había producido mediante Decreto No. 270-2011, de 19 de enero de 2012.

[85] *Ley Especial para el Control del Tabaco*, emitida por el Congreso Nacional el 10 de junio de 2010, mediante Decreto No. 92-2010.

[86] La *Ley Nacional Renal* se aprobó por el Congreso Nacional mediante Decreto No. 200-2013, el 6 de septiembre de 2013.

[87] *Ley de Fomento y Protección de la Lactancia Materna*, aprobada mediante Decreto No. 231-2013, el 18 de septiembre de 2013.

[88] *Ley de Donación y Trasplante de Órganos Anatómicos en Seres Humanos*, aprobada mediante Decreto No. 329-2013, el 17 de enero de 2014, publicado en el diario oficial La Gaceta No. 33,412, el 26 de abril de 2014.

[89] *Ley para la Prevención y Control del Dengue*, aprobada el 15 de mayo de 2014, mediante Decreto No. 31-2014.

[90] *Ley de Regulaciones para la Venta de Productos Agropecuarios con Distintos Grados de Toxicidad*, aprobada el 29 de julio de 2014, mediante Decreto No. 56-2014.

[91] De acuerdo a la UNESCO, la educación secundaria tiene una importancia fundamental para que una sociedad salga de la pobreza. Las habilidades que pueden vincular a un joven con el ámbito laboral se adquieren a través de la educación media; en mercados a escala global, las capacidades básicas que da la escuela primaria no son suficientes para responder a los retos de un mundo cada vez más interconectado. Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura. Instituto de Estadística de la UNESCO. *Compendio mundial de la educación 2011, comparación de las estadísticas de educación en el mundo: enfoque en la educación secundaria*.

[92] La reforma al artículo 171 constitucional, para redefinir la duración y los ciclos de la educación gratuita y obligatoria, se produjo mediante Decreto No. 273-2011 del Congreso Nacional, en fecha 19 de enero de 2012. Fue ratificada a través del Decreto No. 233-2012, de 23 de enero de 2013, publicado en el Diario Oficial La Gaceta No. 33,033 el 24 de enero de 2013.

[93] *Ley Fundamental de Educación*, aprobada por el Congreso Nacional mediante Decreto No. 262-2011, el 19 de enero de 2012, publicada en el diario oficial La Gaceta No. 32,754, el 22 de febrero de 2012.

[94] *Ley de Fortalecimiento a la Educación Pública y la Participación Comunitaria*, Decreto 35-2011, de 5 de abril de 2011, publicado en el diario oficial La Gaceta No. 32,524 el 25 de mayo de 2011.

[95] *Ley de Evaluación, Acreditación y Certificación de la Calidad y Equidad de la Educación*, aprobada por el Congreso Nacional mediante Decreto No. 265-2013, de 16 de diciembre de 2013.

[96] Programa de Promoción de la Reforma Educativa en América Latina y el Caribe (PREAL)/Fundación para la Educación Ricardo Ernesto Maduro Andreu. *El proceso de transformación de la educación hondureña: un repaso de sus avances y resultados.* 2005.

[97] La Dirección General de Educación Intercultural Multilingüe, adscrita a la Secretaría de Educación, se creó mediante Decreto Ejecutivo No. PCM 024-2009, pero entra en funcionamiento a partir de 2013. Recoge experiencias y estructuras administrativas previas, que en el caso de algunos pueblos, datan de la década de 1990.

[98] *Ley de Cambio Climático*, aprobada mediante Decreto No. 297-2013, de 13 de enero de 2014, publicado en el diario oficial La Gaceta No. 33,577, el 10 de noviembre de 2014.

[99] La Estrategia Nacional sobre Cambio Climático fue aprobada mediante Decreto PCM 046-2010.

[100] Secretaría de Recursos Naturales y Ambiente (SERNA). Centro de Estudios y Control de Contaminantes (CESCCO). *Propuesta nacional ejecutiva para la implementación del RETC en Honduras.* Tegucigalpa, MDC., agosto 2012.

[101] La *Política para la Gestión Ambientalmente Racional de Productos Químicos en Honduras* se aprobó mediante Decreto Ejecutivo PCM 029-2013.

[102] La Comisión de Gestión de Productos Químicos se estableció mediante Decreto Ejecutivo PCM 035-2013.

[103] *Convenio Internacional de las Maderas Tropicales*, aprobado por el Congreso Nacional mediante Decreto 54-2011, de 18 de mayo de 2011, publicado el 3 de agosto de 2011 en el diario oficial La Gaceta No. 32,584.

[104] *Enmienda de Gaborone al texto de la Convención sobre el Comercio Internacional de Especies Amenazadas en Fauna y Flora Silvestre (CITIES)*, aprobada por el Congreso Nacional mediante

Decreto No. 34-2012 de 21 de marzo de 2012, publicado en el diario oficial La Gaceta No. 32,828 el 24 de mayo de 2012.

[105] La *Hoja de Ruta para la Prevención y Erradicación del Trabajo Infantil y sus Peores Formas* fue aprobada mediante Decreto Ejecutivo PCM 011-2011, de 15 de febrero de 2011, publicado en La Gaceta No. 32,473 el 22 de marzo de 2011.

[106] La Comisión Nacional para la Erradicación Gradual y Progresiva del Trabajo Infantil fue establecida mediante Decreto Ejecutivo PCM 17-98.

[107] El *Plan de Igualdad y Equidad de Género 2010–2022*, fue aprobado el 6 de julio de 2010 por Acuerdo Ejecutivo PCM 028-2010, publicado en el diario oficial La Gaceta No. 32,275, de 28 de julio de 2010.

[108] Honduras. Secretaría de Estado en los Despachos del Interior y Población. *Política pública para el ejercicio de los derechos de las personas con discapacidad y su inclusión social en Honduras*. Mayo 2013.

[109] Anteriormente la Dirección General de las Personas con Discapacidad y a partir de la reestructuración orgánica y funcional en el Gobierno Central, se denomina Dirección de Adulto Mayor y Discapacidad, operada a partir de enero de 2014. La promoción de los derechos de este colectivo está bajo la responsabilidad de la Secretaría de Desarrollo e Inclusión Social.

[110] La *Ley de Fomento y Desarrollo para la Atención Integral e Inclusión de las Personas con Discapacidad* fue aprobada por el Congreso Nacional mediante Decreto No. 102-2013, el 10 de junio de 2013.

[111] La *Ley de la Lengua de Señas Hondureña (LESHO)* fue aprobada mediante Decreto No. 321-2013, de 15 de enero de 2014, publicado en el diario oficial La Gaceta No. 33,433, el 22 de mayo de 2014.

[112] La Secretaría de Pueblos Indígenas y Afrohondureños fue creada a través de reformas a la Ley General de la Administración Pública, mediante Decreto No. 203-2010, de 14 de octubre de 2010, publicado en el diario oficial La Gaceta No. 32,364, el 12 de noviembre de 2010. En diciembre 2013, el Presidente electo, confrontado con la necesidad de afianzar las finanzas públicas, a través de un uso más eficiente de los recursos disponibles, pero preservando en la medida de lo posible el mismo nivel de servicios a la ciudadanía, solicita al Congreso una serie de medidas entre las cuales se encontrará la fusión de dependencias gubernamentales. Estas se traducen en la *Ley para Optimizar la Administración Pública, Mejorar los Servicios a la Ciudadanía y Fortalecimiento de la Transparencia en el Gobierno*, aprobada mediante Decreto No. 266-2013, de 16 de diciembre de 2013, publicado en el diario oficial La Gaceta No. 33,336, de 23 de enero de 2014. Bajo este marco, se crea la Dirección de Pueblos Indígenas y Afrohondureños, adscrita a la Secretaría de Desarrollo e Inclusión Social, mediante Decreto Ejecutivo PCM 03-2014.

[113] La Comisión Interinstitucional para la Prevención y Atención de la Pesca por Buceo fue establecida mediante Decreto Ejecutivo PCM 003-2012.

[114] Veintisiete proyectos de desarrollo productivo y ambiente para los pueblos indígenas y afrohondureños se han ejecutado en el marco del Proyecto de Desarrollo Integral de los Pueblos Autóctonos de Honduras, 2012–2013. También, el Instituto de Desarrollo Comunitario, Aguas y Saneamiento (IDECOAS) y el Fondo Hondureño de Inversión Social (FHIS) han ejecutado cerca de 50 proyectos con los pueblos indígenas y afrohondureños durante el período 2010–2014.

[115] Sobre las causas de la migración de niños/as centroamericanos/as a Estados Unidos puede verse: United Nations High Commissioner for Refugees (UNHCR). Regional Office for the United States and the Caribbean. *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for International Protection*. Washington, [2013–2014].

[116] El decreto de emergencia con motivo de la crisis migratoria de niños/as no-acompañados/as en Estados Unidos fue emitido el 8 de julio de 2014, bajo el No. PCM 33-2014 y publicado en el diario oficial La Gaceta No. 33, 476, el 11 de julio de 2014.